

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BOBBY EUGENE RODDY,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:11CV7
(Judge Keeley)

WARDEN EVELYN SEIFERT, ET AL.,

DEFENDANTS.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 12],
DENYING PLAINTIFF'S MOTION TO PROCEED *IN FORMA PAUPERIS*
[DKT. NO. 7], DISMISSING COMPLAINT WITHOUT PREJUDICE
[DKT. NO. 1], AND DENYING PLAINTIFF'S MOTION TO RECEIVE
LEGAL MAIL AS MOOT [DKT. NO. 10]

On February 23, 2011, the Honorable James E. Seibert, United States Magistrate Judge ("Magistrate Judge Seibert"), issued a Report and Recommendation ("R&R") in this case. Because the pro se plaintiff, Bobby Eugene Roddy ("Roddy"), who is an inmate in the custody of the West Virginia Division of Corrections, has received at least four strikes under the Prison Litigation Reform Act, and because Roddy has failed to demonstrate that he faces an "imminent danger of serious physical injury," Magistrate Judge Seibert recommended that Roddy's motion to proceed in forma pauperis be denied, that his complaint be dismissed without prejudice, and that his motion to receive legal mail be denied as moot. See 28 U.S.C. § 1915(g).

The R&R specifically warned Roddy that his failure to object to the recommendations within fourteen days of receipt of the R&R

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 12],
DENYING PLAINTIFF'S MOTION TO PROCEED *IN FORMA PAUPERIS*
[DKT. NO. 7], DISMISSING COMPLAINT WITHOUT PREJUDICE
[DKT. NO. 1], AND DENYING PLAINTIFF'S MOTION TO RECEIVE
LEGAL MAIL AS MOOT [DKT. NO. 10]

would result in the waiver of any appellate rights he might have as to these issues. Although Roddy was served with the R&R on February 24, 2011 (dkt. no. 13), he filed no objections.¹

Based on Roddy's failure to file objections to the R&R, the Court **ADOPTS** the R&R in its entirety (dkt. no. 12), **DENIES** Roddy's motion for leave to proceed in forma pauperis (dkt. no. 7), **DISMISSES** his complaint **WITHOUT PREJUDICE** (dkt. no. 1), and **DENIES AS MOOT** his motion to receive legal mail (dkt. no. 10).

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk to enter a separate judgment order and to transmit copies of both orders to counsel of record, and to mail copies to the pro se plaintiff, via certified mail, return receipt requested.

Dated: March 18, 2011.

/s/ Irene M. Keeley

IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the R&R not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-53 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-00 (4th Cir. 1997).